

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 202, “Foster Care Placement and Services,” Iowa Administrative Code.

At the request of the State Ombudsman’s Office, the Department is proposing an amendment to clarify the conditions under which the Department may decline to release the location of a foster child to the child’s parents. The proposed amendment would require evidence of a direct or indirect threat to harm the foster child or the foster parent or credible third-party information of a threat of harm to the foster child or the foster parent. The evidence would have to be documented in the child’s case permanency plan. Any decision not to disclose the location of the foster child would be reviewed at least every six months when the plan is updated.

Any interested person may make written comments on the proposed amendment on or before October 25, 2011. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

This amendment does not provide for waivers in specified situations since the decision not to disclose a foster child’s location is based on the Department’s judgment of the safety of the child and the foster care provider.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 234.6.

The following amendment is proposed.

Amend subrule 202.12(2) as follows:

**202.12(2)** The parents shall be notified of the location and nature of the child’s placement, unless ~~it is documented in the child’s case record that to do so would be disruptive to the placement~~ the conditions of this subrule are met. The decision not to disclose the location of the child’s placement to the parents shall be reviewed at least every six months when the child’s case permanency plan is revised.

a. The department evaluates the situation and determines that notifying the child’s parents of the location of the placement would be detrimental to the child’s safety, well-being, and stability of the child’s placement due to:

- (1) Evidence of a direct or indirect threat to harm the foster child or the foster parent; or
- (2) Credible third-party information of a threat of harm to the foster child or the foster parent.

b. The department includes a statement in the child’s case permanency plan explaining the decision not to disclose the location of the child to the parents.